

Delaware Department of Agriculture
Pesticide Advisory Committee
Meeting Minutes for December 8th, 2016

Attendees

- Meredith, Bill – DNREC
- Vukich, Jake – DuPont Crop
- Wade, Christopher – DDA
- Hughes, Jimmy – DDA
- Dustin Borntreger – DDA
- Kaercher, Paul – Delaware Pest Control Association
- Brian Kunkel – University of Delaware
- Allen Chorman – Aerial Applicator
- Kurt Fifer – Fifer Orchards, Ag Producer

Introduction of Members – (Appointments/Reappointments)

- Members introduced themselves and their affiliations.

Call to Order and Acceptance of June 2016 Minutes

- Jake Vukich, Chair, welcomed all the members and started the meeting.
- The PAC meeting minutes were approved for June 2016 by Vukich and Kaercher.

Legislative Activity for NPDES & Farm Bill – Jake Vukich & Bill Meredith

- Meredith gave a brief update on NPDES. The Pesticide general permit was reauthorized on November 1, 2016. No changes were made to the permit. State permit will not change either, will stay in line with federal requirements.

Zika Update

- Meredith gave the update on Zika.
- DNREC worked with DPH last year and there were 13 cases of Zika in Delaware. When cases of Zika were verified in Delaware, DNREC would fog the area where the infected person lived.
- Overall Zika has not had a major impact in Delaware's control program.
- Meredith commented on the issue of Asian Tiger Mosquito control and the difficulties in doing so. DNREC is pursuing a grant to help campaign on the clean up of urban areas to reduce the breeding locations of Asian Tiger Mosquitos.
- Kunkel discussed a future research project aimed at studying the effects of mosquito public/private vector spraying on backyard environments. Kunkel requested a list of Mosquito companies in Delaware. Wade agreed to supply this list.
- DNREC plans to purchase backpack sprayers for some barrier treatments.

Proposed Worker Protection Standard Rules Change – Christopher Wade

- Wade gave an update on the current changes to the WPS rule. The rule was posted to the Federal Register on November 3rd 2015. This starts the 14 months of compliance assistance for Agricultural establishment that will be regulated by this rule.
- All inspection and training staff have attended updated WPS training presented by EPA. This session was designed to find out what states need going forward to implement these rule changes. The Ag Exclusion Zone and Respirator fit testing seem like the biggest two issues the new rule has

created. Wade stated concern over availability of proper outreach material given the delay in outreach materials.

- Additional details are attached in Coverdales report.

DDA Pesticide Monitoring Network – Christopher Wade for Laura Mensch

- Mensch is working on fall water levels.
- There were no issues with the monitoring wells this past growing season.
- Kaercher asked how are contaminated wells tracked. Wade explained the process by which the hydrologist works with DNREC to determine flow direction of groundwater and the checking of nearby permitted wells for residue.
- Kunkel asked is private well testing is available for pesticides. Wade explained that if there is reasonable concern for pesticide presence in the well in question that the hydrologist will sample private wells.

Managed Pollinator Protection Plan – Christopher Wade

- Final plan was posted December 5th 2016.
- The page where the plan is posted also contains over 40 links to various resources for beekeepers, growers, applicators and homeowners.
- The Department is working on a research project to study the impact of adding pollinator forage area to the open space around chicken farms. This is a 3 year study.
- There are now 49 sites on Fieldwatch/Beecheck. This is an increase from 22 last year.
- Sites on the Fieldwatch/Beecheck site are verified. This duty is shared by the Pesticide section and Plant Industries.

Certification and Training Updates – Christopher Wade

- Wade passed out Michael Coverdale's written report.
- The report is attached at the end of the minutes.

Enforcement Updates – James Hughes

- Hughes stated inspection goals and commitments are on schedule for completion.
- Hughes discussed highlights of recent enforcement activities within the DDA Pesticide Section. Hughes gave a summary of the number of cases that resulted in civil penalties since June meeting.
- The Department investigated several aerial complaints this growing season. Two of these complaints resulted in civil penalties.
- The group discussed the possible need to update rules and regulations to set a tolerance level for drift cases. Lab results are finding compounds at extremely low rates. Fifer suggested maybe adopting the food tolerance level for determining the severity of drift. The group agreed this issue should be further investigated.
- WPS outreach is ongoing with the new requirements. Outreach materials are slowly coming out of EPA making it difficult. The Department is doing what it can to prepare for the January 2, 2017 implementation date.
- Fifer recommended there be a briefing of the new rule at Ag-Week.

Pesticide Stewardship Program Updates – James Hughes

- Hughes gave an update on DDA's Pesticide Stewardship Programs, the Environmental Sweep Program (ESP) and Container Recycling.
- ESP pickups are being planned for the spring, still need to reach the 8,000 pound minimum for a run. Currently there are about 4,000 lbs on record for next pickup.
- Container Recycling; DDA is still partnering with US Ag Recycling. US Ag Recycling conducted five on-site granulating operations in Delaware. The recycling program is still seeing great support from applicators in Delaware. One change was mentioned. The plastic vendor is becoming more restrictive on dirty containers and foil pieces around opening. Loads can now be rejected if too much foil is present.

Issues from Industry and/or Public Agencies Round Table

- Kunkel discussed the issue of Spotted Lantern Fly in vineyards.
- Kaercher asked about the use of pesticides on medical marijuana. Wade explained that the current rules and regulations under DPH have a zero pesticide use tolerance for medical marijuana.
- Meredith asked for an update on the Bald Eagle deaths that were reported last spring. The Department commented that they have not heard any updates from United States Fish and Wildlife. They are the lead in the eagle cases.
- Wade briefly discussed the open and expired committee members. Agreed to email the expiring committee members to let them know and also give renewal information if they wish to continue on the committee.

Attachement: C& T Update:

Pesticide Advisory Committee (PAC)

Certification & Training Update

Ben Coverdale

December 8, 2016

Certification Exam Update:

- Pesticide exams continue to be administered on a 45 day cycle as per the Pesticide Regulations
- Exams continue to be administered in the DDA Commodities building at the Delaware State Fairgrounds in Harrington
- 2017 exam dates have been established:
 - January 4, 2017
 - February 22, 2017
 - April 12, 2017
 - May 31, 2017
 - July 12, 2017
 - September 6, 2017
 - October 25, 2017
 - December 13, 2017

Certification & Training (C&T) Rule update:

- EPA has not yet released any details concerning the proposed C&T rule change
- November 2016 was originally the tentative release date for the rule changes

Worker Protection Standard (WPS) Update:

- Outreach to farmers, greenhouses, and other agriculture/horticulture businesses that may be impacted by the rule changes was conducted by Ben Coverdale & the pesticide inspectors
- 38 in person site visits were conducted with watermelon farmers, nurseries, Christmas tree growers, & retail businesses engaged in the production/sale of agricultural & horticultural products
- Site visits were conducted as “cold calls” with 21 of those 38 visits resulting in speaking directly with the owner/operator of the farm, nursery, or business
- A WPS brochure developed by the DDA pesticide section highlighting the major changes along with a pesticide safety poster, blank pesticide application recordkeeping logbook, field posting signs, and other various materials were distributed during the visits
- DDA pesticide section ordered 100 – WPS How-to-Comply manuals which will be available for growers to pick up at the pesticide section’s booth at the 2017 Ag Week
- Pesticide Educational Resources Collaborative (PERC) has developed some online videos & manuals to help aid compliance assistance with the new rule changes
 - New WPS worker training videos can be accessed at:
<http://www.pesticideresources.org/>
 - Other PERC WPS training resources can be accessed at:
<http://pesticideresources.org/wps/inventory.html>
 - New Manual for WPS Trainers developed by PERC:
<http://pesticideresources.org/wps/ttt/manual/index.html>

Next meeting is: June 14, 2017 at 10:00 AM

Submitted by: Christopher Wade

Date: 12/15/2016

Pesticide Advisory Committee (PAC)
Certification & Training Update
Ben Coverdale
June 8, 2016

Staffing Update:

- Steve Carter retired December 31, 2016
- Ben Coverdale started as the new Agricultural Specialist on April 4, 2016

Certification Exam Update:

- Pesticide exams continue to be administered on a 45 day cycle as per the Pesticide Regulations
- Exams continue to be administered in the DDA Commodities building at the Delaware State Fairgrounds in Harrington
- High volume of Mosquito (Category 5C) exams issued last couple of test dates
- Next scheduled exam is Wednesday, July 6, 2016

Certification & Training (C&T) Rule update:

- EPA issued a proposal to revise the rule on August 5, 2015
- Public comment period on proposed rule changes closed on January 22, 2016

- EPA will review all public comments and address changes as necessary
- EPA will then draft a final regulation to be reviewed by both the United States Department of Agriculture (USDA) and Office of Management & Budget (OMB).
- EPA timeline is to have a final rule plan submitted to OMB in July 2016 & signed into effect by September 2016
- EPA estimates that this proposed rule change could affect approximately 1 million applicators using Restricted Use Pesticides (RUPs) in the United States
- **Some proposed changes that differ from Delaware Pesticide Regulations include:**
 - Registered Service Employees must receive annual training on safe pesticide application & limiting exposure (DE requires verifiable proof of training upon issuance of the service employee card – Registered Service Employee DVD)
 - Possibility of increased credit requirements for certain category classifications (specific categories & credit hour assignments have not been determined)
 - Possible Aerial application certification category
- **Some additional proposed changes of note include:**
 - Pesticide examinations to be administered as closed book and proctored – *DE Already does*
 - Must be 18 years old to be certified as a Private or Commercial Applicator – *DE Already does*
 - Requirement for all applicators to renew their certification at least every 3 years – *DE Already does*
 - One Continuing Education Unit (CEU) to be a standardized 50 minutes of active training time – *DE Already does*

Worker Protection Standard (WPS) Update:

- EPA finalized WPS rule changes
- **Implementation of first set of rule changes occurs on January 2, 2017:**
 - **Training/Recordkeeping:**
 - Annual training for workers and handlers (no 5 day grace period anymore) vs. current WPS rule requiring training once every 5 years
 - Revised qualifications for trainers – handlers no longer allowed to conduct training (only certified applicators, State/Tribal/Federal approved trainers, and people who have completed an EPA approved train-the-trainer course)

- Recordkeeping of training must be kept for 2 years – copy of the record must be provided to handlers and workers upon their request
 - Farmer/employer to display application information & MSDS sheets at central location within 24 hours of end of application and before workers enter that treated area – must display both for 30 days after REI expires. Application recordkeeping and MSDS must be retained for 2 years from end of the REI and made available to workers, handlers, medical personnel, & designated representatives (identified in writing)
 - Minimum age 18 for handlers and early entry workers
- **Decontamination:**
 - Amounts of water available for decontamination and eyewash – 1 gallon for each worker and 3 gallons for each handler and early-entry worker
 - Eye wash for handlers – must provide a system capable of delivering 0.4 gallons/minute for 15 minutes, or 6 gallons of water able to flow gently for about 15 minutes at a mix/load site if handlers use products requiring eye protection or use a pressurized closed system. This is in addition to previous requirement of 1 pint of water in a portable container available to each handler if eye protection is required.
- **Other Changes of Note:**
 - Medical evaluation, fit testing, and training before use of respirators to meet requirements outlined by OSHA standards
 - Pesticide safety poster must be displayed at the central posting location and at sites where decontamination supplies are located, if the decontamination supplies are at a permanent site or at a location with 11 or more workers or handlers
 - Fields must be posted if product label REI is greater than 48 hours
 - Expanded definition of immediate family for WPS family exemption (to now include all in-laws, grandparents, grandchildren, aunts, uncles, nieces, nephews, and first cousins)
- **Implementation of second set of rule changes occurs on January 2, 2018:**
 - Agricultural Exclusion Zone (AEZ) – handler/applicator must suspend the application if a person(s) is within the 100' AEZ boundary
 - Additional training content requirements for workers and handlers – EPA has established a June 2017 deadline to provide the states with updated training materials including but not limited to: central posting location posters, How-to-Comply manual, inspector guidance, etc.

- Additional content on the pesticide safety poster